

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
June 1, 2016

The Lake County Planning and Zoning Board met on Wednesday, June 1, 2016, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, June 21, 2016 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative

Members Not Present:

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
Debbie Stivender	School Board Representative
Donald Heaton	Ex-Officio Non-Voting Military

Staff Present:

Steve Greene, AICP, Chief Planner, Planning & Zoning Division
Tim McClendon, Chief Planner, Division of Planning & Zoning
Rick Hartenstein, Senior planner, Division of Planning & Zoning
Melving Isaac, Senior Planner, Division of Planning & Zoning
Donna Bohrer, Office Associate, Planning & Zoning Division
Diana Johnson, Assistant County Attorney
Angela Harrold, Deputy Clerk, Board Support
William White, PE, Engineer IV, Public Works

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance and Mr. Timothy Morris gave the invocation. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

TABLE OF CONTENTS

Agenda Updates

Consideration of Minutes April 27, 2016

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 2	RZ-16-01-4	Cooper-Voorhees Property
Tab 3	RZ-16-03-04	Green Company Recycling
Tab 4	RZ-16-14-5	Laura's Storage & Flea Market
Tab 6	RZ-16-12-1	Bernard Property Rezoning

REGULAR AGENDA

Tab 1	CUP-16-02-1	North American Tower LLC/Gordon Schrorer
-------	-------------	--

Other Business

Adjournment

MINUTES

MOTION by Tim Morris, **SECONDED** by Rick Gonzalez to **APPROVE** the Minutes of April 27, 2016 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Bryan, Morris, Gonzalez, Kesselring

AGAINST: None

MOTION CARRIED: 4-0

AGENDA UPDATES

Mr. Paul Bryan mentioned that there was a comment request card for Tab 1, Case # CUP-16-02-01 for North American Tower LLC/Gordon Schrorer and that case would be pulled from Consent Agenda and placed on the Regular Agenda.

Mr. Steve Greene, Chief Planner, Planning and Zoning Division, Economic Growth Department, commented that the cases had been duly advertised in accordance with the law. He noted that Tab 5, Case # RZ-16-10-1 Butler Property Rezoning, would need to be pulled from the Consent Agenda. He stated that staff needed further time to review the case and requested a 30 day postponement.

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE the motion for a 30 day postponement for Tab 5, Case # RZ-16-10-1, Butler Property Rezoning.

FOR: Bryan, Morris, Gonzalez, Kesselring

AGAINST: None

MOTION CARRIED: 4-0

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 2	RZ-16-01-4	Cooper-Voorhees Property
Tab 3	RZ-16-03-04	Green Company Recycling
Tab 4	RZ-16-14-5	Laura's Storage & Flea Market
Tab 6	RZ-16-12-1	Bernard Property Rezoning

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE the Consent Agenda which includes Tabs 2, 3, 4, and 6.

FOR: Bryan, Morris, Gonzalez, Kesselring

AGAINST: None

MOTION CARRIED: 4-0

TAB 1 – NORTH AMERICAN TOWER LLC/GORDON SCHROER

Mr. Rick Hartensein, Senior Planner, Planning and Zoning Division, Economic Growth Department, presented Case # CUP-16-02-1, North American Tower LLC/Gordan Schrorer stating that the request is for a Conditional Use Permit (CUP) for property in the industrial Future Land Use category with light manufacturing zoning to allow for construction of a 145-foot monopole telecommunications tower, to include support equipment and apparatus. He stated that the proposed tower and equipment is to be situated on a 6,400 square foot compound area within the subject parent parcel of land. He noted that the subject property is located at 1310 SR 44, west of the City of Leesburg. He pointed out that the property currently has an indoor gun range and firearms retail business located approximately 125 feet east of the proposed tower location. He stated that staff found the request was consistent with the Comprehensive Plan and Land Development Regulations as specified in the staff analysis, adding that staff recommendation was to approve the request.

Mr. Rick Gonzalez asked if there was any communication from the plane owners at the jetport located south of the property.

Mr. Hartenstein stated that he had received no feedback from anyone including the City of Leesburg.

Mr. Paul Bryan then opened the floor to the applicant.

Ms. Mary Solik, Legal Counsel for North American Towers, LLC opined that staff had done a very thorough analysis of the application and stated that the applicant and legal counsel were in agreement with staff findings.

Mr. Bryan then opened the floor to public comment.

Mr. Jeff Hester, a resident of Lake Weir, stated that he and his brother are the property owners of land on the other side of SR 44, across from the proposed tower site. He recalled that approximately two years ago he was approached by Verizon Wireless to enter into a lease agreement with them for the construction of a new cellphone tower. He stated that over the last two years there have been completed surveys, environmental studies and best location determined on his property. He noted that there was a variance hearing for setbacks on the site scheduled for February 2016, however, one day before the meeting was to take place he was told the hearing was postponed because there had been contact from the property owner across the street and there was a mistake in property identification. He stated there was a halt in the process at that time and he received no further information or communication. He noted that his concern is that he is unsure where they stand as a property owner and he would also like to know the findings of the environmental impact study.

Mr. Bryan opined that Mr. Hester's comments did not pertain to a zoning case and felt as though Mr. Hester would be best served by contacting Verizon Wireless to determine what happened. He also stated that Mr. Hester should contact staff to gain the information on the

environmental study that took place because the Board did not have access to that information.

Ms. Solik reported that Mr. Hester owns three pieces of property, two small parcels across from the new proposed tower location and a large tract of property just north of the two properties that has different zoning. She stated that Mr. Hester was approached by a Verizon Site Acquisition Agent for use of the large tract of land but the Hester's declined and offered one of the two smaller pieces adjacent to SR 44. She noted that the smaller tract of land that abuts the City of Leesburg was chosen by Verizon. She recalled that when she received the information to process through zoning she pointed out that there were no setbacks allowed on the piece of property, that there is residential zoning to the west and she suggested that Verizon locate a new piece of property. She noted that Verizon decided to move forward with Mr. Hester's property and the process began to gain the zoning, which she stated took time due to getting all of the necessary approvals. She said at that point a variance hearing was scheduled but a wetlands area was identified by the County staff and further setback would be needed. She pointed out that all of the steps in the process were taken with the understanding that there were no other property options that met all of the zoning criteria. She said when the variance hearing was rescheduled a public notice went out alerting the public to the hearing and at that time Mr. Gordon Schrorer, who owns the property across the street from Mr. Hester's, contacted Ms. Solik and asked why his property was not chosen because it met all of the setback criteria. She stated that she did investigation and reported that during the initial location process the acquisition agent looked at the code and determined that the setbacks could not be met on Mr. Schrorer's property; however she found that the residential property has an underlying Future Land Use of Industrial. She pointed out that there was a misreading of the code that followed all the way through the process and it was found Mr. Schrorer's property could be used with no issue of setbacks. She stated that Verizon then elected to pull the application from Mr. Hester and contact Mr. Schrorer to get the lease. She pointed out that North American Tower, LLC had already placed a lease on Mr. Schrorer's property and Verizon is now the anchor tenant.

Mr. Bryan asked if Ms. Solik was pleased with the process in Lake County.

Ms. Solik stated that she would not blame the County staff for the delay in the application. She noted that Verizon historically takes a long amount of time to move through the process. She pointed out that she was very pleased with Lake County staff.

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE the motion for Tab 1, Case # CUP-16-02-1, North American Towers LLC/Gordan Schrorer.

FOR: Bryan, Morris, Gonzalez, Kesselring

AGAINST: None

MOTION CARRIED: 4-0

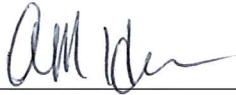
OTHER BUSINESS

None

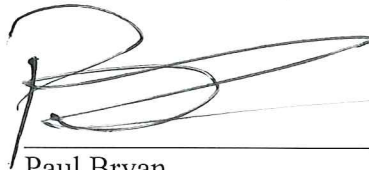
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:24 a.m.

Respectfully submitted,



Angela Harrold
Clerk, Board Support



Paul Bryan
Chairman